

**SUMMONS ON PETITION
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Melrose Business Improvement Association

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Adrian Riskin

FOR COURT USE ONLY
CONSOL PARA USO DE LA CORTE
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 08 2018

Sherri R. Carter, Executive Officer/Clerk of Court

By: Judi Lara, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Los Angeles County Superior Court, Stanley Mosk Courthouse
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER
(Número del Caso): **BS172760**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Anna von Herrmann; 2443 Fillmore Street #380-7379, San Francisco, CA 94115; 415-779-5619

BY FAX

DATE: **JUN 08 2018**
(Fecha)

SHERRI R. CARTER Clerk, by
(Secretario)

Judi Lara

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Melrose Business Improvement District

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

BY FAX

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anna von Herrmann, SBN 301670 2443 Fillmore St. #380-7379 San Francisco, CA 94115		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JUN 08 2018 Sherri R. Carter, Executive Officer/Clerk of Court By: Judi Lara, Deputy
TELEPHONE NO.: 415-779-5619 FAX NO.: ATTORNEY FOR (Name): Adrian Riskin		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill St. MAILING ADDRESS: 111 North Hill St. CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		
CASE NAME: Riskin v. Melrose Business Improvement Association		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: BS172760 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input checked="" type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1: California Public Records Act
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

 Date: June 6, 2018
 Anna von Herrmann

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

BY FAX

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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input checked="" type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)		2, 9	
<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)		2, 8	
<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax		2, 8	
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case		2, 8, 9	
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition		2, 9	

SHORT TITLE: Riskin v. Melrose Business Improvement Association	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 1934 Wilson Avenue
CITY: Arcadia	STATE: CA	ZIP CODE: 91006	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: June 6, 2018


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

Superior Court of California County of Los Angeles



ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR information Packet with the complaint when serving the defendant. Cross-complainants must serve the ADR Information Packet on any new parties named to the action together with the cross-complaint.

There are a number of ways to resolve civil disputes without having to sue someone. These alternatives to a lawsuit are known as alternative dispute resolution (ADR).

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediations, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help resolve disputes without having to go to court.

Advantages of ADR

- Often faster than going to trial
- Often less expensive, saving the litigants court costs, attorney's fees and expert fees.
- May permit more participation, allowing parties to have more control over the outcome.
- Allows for flexibility in choice of ADR processes and resolution of the dispute.
- Fosters cooperation by allowing parties to work together with the neutral to resolve the dispute and mutually agree to remedy.
- There are fewer, if any, court appearances. Because ADR can be faster and save money, it can reduce stress.

Disadvantages of ADR - ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs of trial, such as attorney's fees and expert fees.

The Most Common Types of ADR

- **Mediation**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the parties, rather than the mediator, decide how the dispute is to be resolved.

- **Mediation is particularly effective** when the parties have a continuing relationship, like neighbors or business people. Mediation is also very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to express their feelings and find out how the other sees things.
- **Mediation may not be effective** when one party is unwilling to cooperate or compromise or when one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

- **Arbitration**

In arbitration, a neutral person called an “arbitrator” hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is typically less formal than a trial, and the rules of evidence may be relaxed. Arbitration may be either “binding” or “non-binding.” Binding arbitration means the parties waive their right to a trial and agree to accept the arbitrator’s decision as final. Non-binding arbitration means that the parties are free to request a trial if they reject the arbitrator’s decision.

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

- **Mandatory Settlement Conference (MSC)**

Settlement Conferences are appropriate in any case where settlement is an option.

Mandatory Settlement Conferences are ordered by the Court and are often held near the date a case is set for trial. The parties and their attorneys meet with a judge who devotes his or her time exclusively to preside over the MSC. The judge does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement.

The Los Angeles Superior Court Mandatory Settlement Conference (MSC) program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. The judges participating in the judicial MSC program and their locations are identified in the List of Settlement Officers found on the Los Angeles Superior Court website at <http://www.lacourt.org/>. This program is available in general jurisdiction cases with represented parties from independent calendar (IC) and Central Civil West (CCW) courtrooms. In addition, on an ad hoc basis, personal injury cases may be referred to the program on the eve of trial by the personal injury master calendar courts in the Stanley Mosk Courthouse or the asbestos calendar court in CCW.

In order to access the Los Angeles Superior Court MSC Program the judge in the IC courtroom, the CCW Courtroom or the personal injury master calendar courtroom must refer the parties to the program. Further, all parties must complete the information requested in the Settlement Conference Intake Form and email the completed form to mscdept18@lacourt.org.

Additional Information

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs (www.dca.ca.gov) Consumer Information Center toll free at 800-952-5210, or;
- Contact the local bar association (<http://www.lacba.org/>) or;
- Look in a telephone directory or search online for "mediators; or "arbitrators."

There may be a charge for services provided by private arbitrators and mediators.

A list of approved State Bar Approved Mandatory Fee Arbitration programs is available at <http://calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx#19>

To request information about, or assistance with, dispute resolution, call the number listed below. Or you may call a Contract Provider agency directly. A list of current Contract Provider agencies in Los Angeles County is available at the link below.

<http://css.lacounty.gov/programs/dispute-resolution-program-drp/>

County of Los Angeles Dispute Resolution Program
3175 West 6th Street, Room 406
Los Angeles, CA 90020-1798
TEL: (213) 738-2621
FAX: (213) 386-3995

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Superior Court of California
County of Los Angeles

JUN 08 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By: Judi Lara, Deputy

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2 Law Office of Anna von Herrmann
3 2443 Fillmore Street, #380-7379
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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

BS172760

ADRIAN RISKIN,

Petitioner and Plaintiff,

vs.

MELROSE BUSINESS IMPROVEMENT
ASSOCIATION,

Respondent and Defendant.

) Case No.:

) **VERIFIED PETITION FOR WRIT OF**
) **MANDATE AND COMPLAINT FOR**
) **DECLARATORY AND INJUNCTIVE**
) **RELIEF**

) [Gov't Code § 6250, *et seq.*; Civ. Proc. Code
) §§ 1060, 1085; Civ. Code § 3422]

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record requests to investigate and understand the activities of business improvement districts (“BIDs”), the Los Angeles City government, and the relationship between the two. He publicizes his findings to the public through blogging and community events. Information Riskin has uncovered via CPRA requests has assisted academic researchers and the public at large in understanding BIDs and their power in the community. For example, Riskin has worked with students at the University of California, Berkeley School of Law’s Policy Advocacy Clinic and documentary filmmakers producing a film on the Greater West Hollywood Food Coalition and the Hollywood Media District BID. His research regarding the thwarted formulation of a Skid Row Neighborhood Council, uncovered largely through public records requests, is currently featured as part of an exhibit at the Los Angeles Poverty Department Museum. Additionally, Riskin has empowered the public to use the CPRA effectively for both research and civic activism by publishing a guide to the practical use of the CPRA in the City of Los Angeles. Riskin is a member of the public within the meaning of §§ 6252(b)-(c).

6. Respondent the Melrose Business Improvement Association is a property owners' association pursuant to the Property and Business Improvement District Law of 1994, California Streets & Highways Code § 36600, *et seq.* Respondent contracts with the City of Los Angeles to administer the Melrose BID. Respondent is subject to the CPRA as a matter of state law. California Streets & Highways Code § 36612. Respondent's contract with the City of Los Angeles also explicitly states that it "is subject to and must comply with" the CPRA.

FACTUAL ALLEGATIONS

**Riskin's past CPRA requests have shed significant light on the operation of Los Angeles
BIDs**

7. The city of Los Angeles is home to approximately 40 BIDs, including the Melrose BID. Although BIDs are private entities governed by unelected, private officials, they collect monetary assessments from local property owners and can have substantial impact on the manner in which neighborhoods operate—from influencing which businesses operate in an area, to instituting private security forces and expelling homeless individuals from public spaces. Given their level of public power, BIDs are subject to relatively little public oversight, making the CPRA an important tool to unveil and understand their activities.

1 8. As an open records activist, Riskin submits CPRA requests to BIDs throughout Los
2 Angeles that shed significant light on the BIDs' operation. His research has made a tangible impact
3 on open government, BID activity, and the enforcement of accountability laws in Los Angeles.

4 9. For example, through CPRA requests, Riskin discovered that various private BID
5 security patrols were not registering with the Los Angeles Police Commission as required by law.
6 As a result, the Los Angeles City Attorney resumed enforcement of that provision and took steps to
7 ensure that BID patrols did register with the Commission. This also resulted in the Police
8 Commission investigating a BID patrol for excessive use of force, thereby acknowledging that it
9 had jurisdiction over citizen complaints against private BID security. These changes would not have
10 been possible without Riskin's ability to obtain information from the BIDs via CPRA requests.

11 10. As another example, through CPRA requests, Riskin found that armed BID patrols
12 contracting with the Hollywood Property Owners Alliance were responsible for more than 1,000
13 custodial arrests of Hollywood homeless residents each year. Shortly after Riskin began scrutinizing
14 these arrests through public records requests, BID patrol arrests plummeted 70%—from 1,057 in
15 2014 to 313 in 2015. That trend of reduced arrests has continued into 2016 and 2017. Again, this
16 change would not have been possible without Riskin's ability to obtain BID records through CPRA
17 requests.

18 11. This type of information cannot be uncovered if BIDs do not comply with their
19 statutory obligation to make their records open for public inspection. Here, the Melrose BID's
20 failure to produce requested public records serves to maintain its activity in a shroud of secrecy and
21 to shield its operation from community oversight. Its refusal to respond to public records requests
22 violates the CPRA and frustrates the democratic process.

23 **Respondent violated the CPRA by failing to provide public records in response to each of**
24 **Riskin's three requests**

25 Respondent failed to lawfully respond to Riskin's February 15, 2017 Request

26 12. On February 15, 2017, Riskin submitted a request for specific and identifiable
27 public records to Respondent. The request sought 1) "all communications, email or otherwise,
28 between anyone at the Melrose BID, including staff and Board members, and anyone at the City of

1 Los Angeles during 2016” in their native electronic formats, 2) copies of all agendas and minutes
2 from BID Board and committee meetings for as far back as the BID maintains electronic copies,
3 and 3) reports of all BID transactions by vendor from January 1, 2013 to the present. Riskin
4 submitted the request by email to the Melrose Business Improvement Association Executive
5 Director, Donald Duckworth. A true and accurate copy of this request, as well as subsequent
6 communications between Riskin and Respondent regarding this request, are attached to this petition
7 as *Exhibit A*.

8 13. That same day, Duckworth emailed Riskin stating that he needed to “report to the
9 Board,” that the BID’s next Board meeting would take place on March 10, 2017, and that he would
10 respond to the request “as soon as possible.”² *See Exhibit A*.

11 14. On February 27, 2017—two days after the BID’s statutory deadline to respond with
12 a determination regarding Riskin’s request—Riskin sent another email to Duckworth inquiring as to
13 the status of his request. *See Exhibit A*.

14 15. On March 12, 2017, still having received no further communication from
15 Respondent, Riskin sent another email to Duckworth inquiring as to the status of his request. *See*
16 *Exhibit A*.

17 16. On March 27, 2017, still having received no further communication from
18 Respondent, Riskin sent another email to Duckworth inquiring as to the status of his request. *See*
19 *Exhibit A*.

20 17. On April 10, 2017, still having received no further communication from Respondent,
21 Riskin sent yet another email to Duckworth inquiring as to the status of his request. *See Exhibit A*.

22 18. On April 10, 2017—nearly two months after Riskin submitted his request—
23 Duckworth responded. This response did not include a full determination of disclosability or an
24 estimated date of production for all requested records, as required by law. *See* § 6253(c).
25 Duckworth stated that Respondent “intend[ed] to produce responsive records,” although he did not
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28 ² Duckworth initially confused this request with another request that Riskin had previously submitted to the Westchester
Town Center BID, for which Duckworth also serves as the Executive Director. Riskin thereafter clarified that this
request was related to the Melrose BID, and Duckworth stated that he understood.

1 specify whether the BID would produce all requested records or only a portion thereof. He
2 continued, “Our IT person is in the process of identifying emails responsive to your request and [I]
3 hope to have those to you by the end of April. If any are subject to exemptions we will let you know
4 that.” This statement demonstrates that, even by this point, Respondent had not yet completed its
5 determination as to whether the requested records were disclosable or exempt. Duckworth further
6 clarified that the BID does not have committees but does have two contract staff who perform
7 Marketing and Promotions services. *See Exhibit A.*

8 19. That same day, Riskin emailed Duckworth to request that Respondent at a minimum
9 disclose the requested minutes and agendas as soon as possible, as they are not plausibly exempt
10 from disclosure and are easily producible. *See Exhibit A.*

11 20. On May 6, 2017—approximately one week after Respondent’s estimated date of
12 partial production—Riskin again emailed Duckworth inquiring as to the status of his request. *See*
13 *Exhibit A.*

14 21. On May 16, 2017, having still not received further communication from Respondent,
15 Riskin again emailed Duckworth inquiring as to the status of his request. *See Exhibit A.*

16 22. On or about June 18, 2017—approximately 1.5 months after Respondent’s estimated
17 date of partial production—Riskin received a CD mailed from Respondent via the United Parcel
18 Service (“UPS”) containing some email records responsive to his request for 2016 communications
19 between the BID and the City of Los Angeles. It is unclear whether these records constitute a full or
20 partial response to that portion of Riskin’s request, or whether any records responsive to that portion
21 of the request were withheld. Respondent did not provide any records responsive to Riskin’s
22 requests for meeting agendas and minutes or for reports of BID transactions.

23 23. On June 18, 2017, Riskin emailed Duckworth thanking him for providing the email
24 records. He further inquired as to the status of his requests for meeting agendas and minutes and
25 reports of BID transactions. *See Exhibit A.*

26 24. On September 29, 2017—over 7 months after submitting his request—Riskin again
27 emailed Duckworth to inquire as to the status of his outstanding requested material. *See Exhibit A..*

28 25. On March 21, 2018—over 13 months after submitting his request—Riskin again

1 emailed Duckworth to inquire as to the status of his outstanding requested material. *See Exhibit A.*

2 26. Over 15 months have now elapsed since Riskin submitted his CPRA request to
3 Respondent. Respondent has not communicated with Riskin about this request again since its partial
4 production of records in June 2017, and it has ignored Respondent's repeated status inquiries. It has
5 failed to provide any records responsive to Riskin's requests for meeting agendas and minutes and
6 for reports of BID transactions—basic documents reflecting the fundamental activity of the BID. It
7 has further failed to provide a determination as to the records' disclosability or an estimated date by
8 which these requested documents will be produced, as required by law. *See* § 6253(c).

9 Respondent failed to lawfully respond to Riskin's February 24, 2017 Request

10 27. On February 24, 2017, Riskin submitted a request for specific and identifiable public
11 records to Respondent via Donald Duckworth. The request sought all emails from January 1, 2015
12 to January 31, 2017 between anyone at the BID and 1) Tara Devine (through a search for "devine-
13 strategies.com"), 2) Ed Henning (through a search for the name "Henning" or his email address, if
14 known), 3) Susan Levi (through a search for "labids.org"), and 4) anyone at Urban Place Consulting
15 (through a search for "urbanplaceconsulting.com"). He requested the emails in their native
16 electronic formats, as mandated by statute. *See* § 6253.9(a). A true and accurate copy of this request
17 and Riskin's subsequent communications regarding the request are attached to this petition as
18 *Exhibit B.*

19 28. Having received no communication from Respondent, Riskin sent another email to
20 Duckworth on March 12, 2017—six days after Respondent's statutory deadline to respond with a
21 determination regarding Riskin's request—inquiring as to the status of the request. *See Exhibit B.*

22 29. On March 27, 2017, still having received no communication from Respondent,
23 Riskin sent another email to Duckworth inquiring as to the status of his request. *See Exhibit B.*

24 30. On April 10, 2017, still having received no communication from Respondent, Riskin
25 sent a fourth email to Duckworth and again inquired as to the status of his request. *See Exhibit B.*

26 31. On May 6, 2017, still having received no communication from Respondent, Riskin
27 sent a fifth email to Duckworth and again inquired as to the status of his request. *See Exhibit B.*

28 32. On June 18, 2017, still having received no communication from Respondent, Riskin

1 sent a sixth email to Duckworth and yet again inquired as to the status of his request. In this email,
2 Riskin attempted to provide a recommendation as to how Respondent could more easily fulfill the
3 request, stating that the BID could provide records via the file-sharing service Dropbox rather than
4 by sending a physical CD if doing so would be easier. *See Exhibit B.*

5 33. Finally, on March 21, 2018—over a full year after submitting his request and
6 receiving no reply from Respondent—Riskin sent a final email to Duckworth and again asked about
7 the status of his request. *See Exhibit B.*

8 34. To date, it has been over 15 months since Riskin submitted this easily-fulfillable
9 request to Respondent. In all that time, Respondent has completely ignored the request, failing to
10 communicate with Riskin even once despite his seven emails asking for Respondent to answer his
11 request and follow the law. Respondent has failed to provide even one record in response to
12 Riskin's request. It has further failed to even provide a determination as to the records'
13 disclosability or an estimated date by which these requested documents will be produced.
14 Respondent has thereby overtly and unambiguously violated its duties under the CPRA.

15 Respondent failed to lawfully respond to Riskin's April 13, 2017 Request

16 35. On April 13, 2017, Riskin submitted a request for specific and identifiable public
17 records to Respondent via Donald Duckworth. The request sought Duckworth's "appointment
18 calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017." A true and
19 accurate copy of this request and Riskin's subsequent communications regarding the request are
20 attached to this petition in *Exhibit C.*

21 36. Having received no communication from Respondent, Riskin sent another email to
22 Duckworth on April 25, 2017—two days after Respondent's statutory deadline to respond with a
23 determination regarding Riskin's request—inquiring as to the status of the request. *See Exhibit C.*

24 37. On May 6, 2017, still having received no communication from Respondent, Riskin
25 sent another email to Duckworth inquiring as to the status of his request. *See Exhibit C.*

26 38. On June 18, 2017, still having received no communication from Respondent, Riskin
27 sent a fourth email to Duckworth and again asked about the status of his request. *See Exhibit C.*

28 39. On September 29, 2017—five months after he submitted his request with no reply

1 from Respondent—Riskin sent a fifth email to Duckworth and yet again asked about the status of
2 his request. A true and accurate copy of this communication is attached to this petition in *Exhibit C*.

3 40. Finally, on March 21, 2018—over 11 months after submitting his request and
4 receiving no reply from Respondent—Riskin sent a final email to Duckworth and again asked about
5 the status of his request. *See Exhibit C*.

6 41. To date, it has been over 13 months since Riskin submitted this request, which asks
7 for basic records fundamental to the BID's activity. Respondent has ignored the request entirely,
8 failing to communicate with Riskin even once about the request and disregarding all six of his
9 emails. Respondent has failed to provide even a single record responsive to Riskin's request.
10 Moreover, it has failed to provide even a determination as to the records' disclosability or an
11 estimated date by which these requested documents will be produced. In so doing, Respondent has
12 breached its duties under the CPRA.

13 **Factual Summary**

14 42. In sum, Respondent has failed for over a year to provide various basic records in
15 response to all three of Riskin's requests. Respondent has also repeatedly failed to provide a
16 determination as to whether the requested records are disclosable or an estimate as to when the
17 requested records will be produced. Respondent has therefore repeatedly and as a matter of course
18 violated the CPRA. Respondent's pattern and practice of failing to produce public records in
19 response to requests effectively makes the operations of the Melrose BID secret and shields
20 Respondent from public accountability. Judicial action is therefore necessary to enforce the
21 requirements of the CPRA against Respondent.

22 **FIRST CAUSE OF ACTION:** 23 **PETITION FOR WRIT OF MANDATE PURSUANT TO THE CALIFORNIA PUBLIC** 24 **RECORDS ACT, GOV'T CODE § 6250, et seq.**

25 43. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 42
26 above, as if set forth in full.

27 **General Principles of the California Public Records Act**

28 44. Under the California Public Records Act, § 6250 et seq., all records that are

1 prepared, owned, used, or retained by any public agency and that are not subject to the CPRA's
2 statutory exemptions to disclosure must be made publicly available for inspection and copying upon
3 request. §§ 6253(a)-(b).

4 45. When a member of the public submits a records request to an agency, the agency is
5 given ten days to determine whether the request seeks copies of disclosable public records in the
6 possession of the agency and must promptly notify the requestor of that determination and the
7 reasons therefor. § 6253(c). In statutorily-identified "unusual circumstances," and "only to the
8 extent reasonably necessary to the proper processing of the particular request," this time period may
9 be extended a maximum of 14 days. § 6253(c)-(d).

10 46. The law requires that agencies make non-exempt public records available to
11 requestors "promptly." § 6253(b). It is unlawful for an agency "to delay or obstruct the inspection
12 of public records." § 6253(d).

13 47. Where an agency withholds responsive records on the basis of a statutory exemption,
14 "the agency . . . must disclose that fact." *Haynie v. Super. Ct.* 26 Cal. 4th 1061, 1072 (2001) (citing
15 § 6255). Even if portions of a document are exempt from disclosure, the agency must disclose the
16 remainder of the document. § 6253(a). The agency bears the burden of justifying nondisclosure.
17 § 6255(a). In determining whether exemptions apply, courts must follow the constitutional
18 imperative that the applicability of exemptions must be construed narrowly and that the people's
19 right of access to public information must be construed broadly. Cal. Constitution, Art. I, § 3(b)(2).

20 48. The CPRA also requires the government to "assist the member of the public [to]
21 make a focused and effective request that reasonably describes an identifiable record or records" by
22 taking steps to "[a]ssist the member of the public to identify records and information that are
23 responsive to the request or to the purpose of the request, if stated." § 6253.1. An agency that
24 receives a request must also "[p]rovide suggestions for overcoming any practical basis for denying
25 access to the records or information sought." *Id.*

26 49. Whenever it is made to appear by verified petition to the Superior Court of the
27 county where the records or some part thereof are situated that certain public records are being
28 improperly withheld from a member of the public, the Court shall order the officer or person

1 charged with withholding the records to disclose the public record or show cause why he or she
2 should not do so. The Court shall decide the case after examining the record in camera (if permitted
3 by the Evidence Code), papers filed by the parties, and any oral argument and additional evidence
4 as the Court may allow. § 6259(a). If the Court finds that the failure to disclose is not justified, it
5 shall order the public official to make the record public. § 6259(b).

6 50. A petitioner prevails under the CPRA where the petitioner shows that an agency
7 unlawfully denied access to records. *Community Youth Athletic Center v. City of National City*, 220
8 Cal.App.4th 1385, 1446-1447 (2013). An agency is not protected from liability merely because the
9 denial of access was due to the agency's internal logistical problems or general neglect of its duties.
10 *Id.*

11 51. The CPRA further contains a mandatory attorney's fee provision for the prevailing
12 plaintiff. § 6259(d). The purpose of the provision is to provide "protections and incentives for
13 members of the public to seek judicial enforcement of their right to inspect public records subject to
14 disclosure." *Filarsky v. Super. Ct.*, 28 Cal.4th 419, 427 (2002).

15 52. Here, Respondent repeatedly violated the CPRA by failing to promptly disclose the
16 public records that Riskin requested. The public records that Riskin requested are not properly
17 subject to any of the CPRA's statutory exemptions, nor did Respondent cite any exemptions to
18 justify its nondisclosure. Respondent therefore acted unlawfully in contravening its duty to make
19 such records available.

20 **Respondent Has Denied Access to Riskin's Requested Records through Delay and Non-**
21 **Response**

22 53. In response to all three of Riskin's requests for disclosable public records,
23 Respondent has denied access to requested records through its pattern and practice of delay and
24 non-response. Respondent failed to provide large portions of the requested records in response to
25 one request, and it failed to provide even a single record in response to two of the requests.
26 Respondent has therefore repeatedly violated the CPRA.

27 54. First, Respondent has repeatedly failed to provide Riskin with a determination as to
28 whether his requested records are disclosable—let alone to do so within the required 10-day

1 statutory period. *See* § 6253(c). For Riskin’s request submitted on February 10, 2017, Respondent
2 communicated with Riskin only about the portion of the request asking for communications
3 between the BID and the City of Los Angeles. For the remaining requests for meeting agendas and
4 minutes and transaction reports, Respondent failed to provide a determination of disclosability or
5 any other information about the requested records. For Riskin’s requests submitted on February 24,
6 2017 and April 13, 2017, Respondent failed to communicate with Riskin about the requests at all,
7 thereby clearly failing to provide any determination of disclosability. These responses, or lack
8 thereof, do not comply with the CPRA.

9 55. Further, Respondent failed to provide Riskin with an estimated date by which his
10 requested records will be produced as required by law. *See* § 6253(c). Despite Riskin’s repeated
11 emails asking for updates as to when the requested records would be produced, Respondent has
12 provided Riskin with no information as to their likely date of disclosure. By repeatedly failing to
13 provide Riskin with an estimated date of production, Respondent has again violated the CPRA.

14 56. Most notably, Respondent has failed to provide the large majority of the basic and
15 fundamental records that Riskin requested. It has been over 15 months since Riskin submitted his
16 first two requests, and more than 13 months since he submitted his most recent request, but
17 Respondent has still failed to produce the requested public records. Respondent has thereby
18 unlawfully denied access to these documents, all of which carry a strong public interest in
19 disclosure. By failing to produce even one of these public records, Respondent is maintaining in a
20 shroud of secrecy records related to the BID’s most basic day-to-day operations. Respondent has
21 failed to provide these records at all—let alone “promptly,” as required by the CPRA. § 6253(b).

22 57. Respondent’s denial of access and its failure to even communicate with Riskin
23 regarding his requests not only violates the letter of the CPRA, but also its spirit. The CPRA is
24 predicated on the principle that:

25 Openness in government is essential to the functioning of democracy. Implicit in
26 the democratic process is the notion that government should be accountable for its
27 actions. In order to verify accountability, individuals must have access to
28 government files. Such access permits checks against the arbitrary exercise of
official power and secrecy in the political process.

1 *Int'l Fed. Of Professional and Technical Engineers, Local 21, AFL-CIO v. Super. Ct.*, 42 Cal.4th
2 319, 328-39 (2007) (internal quotations omitted). By repeatedly failing to respond to requests for
3 such long periods of time, Respondent denies the public access to vital public information, and it
4 withholds access to records while they are current and most relevant to the public interest. It further
5 shields itself from public scrutiny and frustrates the democratic process.

6 58. Indeed, the portion of records that the BID did provide in response to Riskin's first
7 request has already revealed potential violations of law by Respondent.³ As one example, the
8 documentation revealed that the Melrose Business Improvement Association's bylaws seemingly
9 violate state open meeting laws under the Brown Act. The bylaws allow for Respondent's meetings
10 to take place without public notice, and they allow for Respondent's Board of Directors to take
11 binding action outside of lawful meetings, both provisions that contravene the Brown Act. *See*
12 § 54950, *et seq.*; Streets & Highways Code § 36612 (providing that BIDs are subject to the Brown
13 Act). Public access to records through the CPRA has therefore already shed significant light on the
14 BID's activity and its operation outside the public eye. By withholding the remainder of the
15 requested information, Respondent is shielding from disclosure information that could reveal
16 additional unlawful actions of substantial public concern.

17 **SECOND CAUSE OF ACTION:**
18 **DECLARATORY RELIEF PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT,**
19 **GOV'T CODE § 6250, *et seq.*, CODE OF CIV. PROC. § 1060**

20 59. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 58
21 above, as if set forth in full.

22 60. Petitioner is entitled to seek declaratory relief due to violation of the CPRA. § 6258.
23 Petitioner has performed all conditions precedent to filing this petition. There are no administrative
24 exhaustion requirements under Government Code § 6250, *et seq.* Petitioner has no plain, speedy,
25 adequate remedy in the ordinary course of law other than the relief sought in this petition. *See* Code
26 of Civil Procedure § 1086.

27
28 ³ These potential violations are beyond the scope of this petition and complaint, and Petitioner does not intend to litigate such issues here. Rather, these issues are raised merely to illustrate the type of information that can be revealed through CPRA requests, which Respondent should not be permitted to shield from public scrutiny.

1 61. Respondent has a clear, present, ministerial duty to comply with Government Code
2 § 6250, *et seq.* Respondent has repeatedly acted and continues to act in violation of the CPRA by
3 maintaining a pattern and practice of denial of access to public information through failure to
4 produce public records, impermissible delay, and non-responsiveness. § 6253(b), (d).

5 62. An actual controversy exists between the parties concerning whether Respondent has
6 engaged in conduct that violates the clear statutory requirements of the CPRA. A judicial
7 determination to resolve this actual controversy is necessary and appropriate at this time.

8 **THIRD CAUSE OF ACTION:**
9 **INJUNCTIVE RELIEF PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT,**
 GOV'T CODE § 6250, *et seq.*, CIV. CODE § 3422

10 63. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 62
11 above, as if set forth in full.

12 64. Petitioner is entitled to seek injunctive relief due to violation of the CPRA. § 6258. If
13 not enjoined by order of this Court, Respondent will continue its pattern and practice of unlawfully
14 denying and delaying access to public records, disregarding statutory requirements, and arbitrarily
15 preventing parties from obtaining disclosable information under the CPRA.

16 65. Petitioner does not have a plain, speedy, and adequate remedy in the ordinary course
17 of law.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioner prays for judgment as follows:

- 20 1. For issuance a writ of mandate directing Respondent to provide Petitioner with all
21 requested records, except those records that the Court determines may lawfully be
22 withheld;
23 2. For a declaration that Respondent's conduct, policies, and pattern and practice of
24 denying access to public records violates the CPRA;
25 3. For a permanent injunction enjoining Respondent, its agents, employees, officers, and
26 representatives from continuing its existing pattern and practice of violating the
27 statutory requirements of the CPRA;
28

- 1 4. For Petitioner to be awarded reasonable attorney's fees and costs; and
2 5. For such other and further relief as the Court deems proper and just.

3
4 Dated: 5/31/18

Respectfully submitted,

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7 
8 ANNA VON HERRMANN
Attorney for Petitioner and Plaintiff

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25 **VERIFICATION**

26 I, ADRIAN RISKIN, am the Petitioner and Plaintiff in this action. I have read the foregoing
27 Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, and I know the
28

1 contents thereof. The same is true of my own knowledge, except as to those matters which are
2 therein alleged on information and belief, and, as to those matters, I also believe them to be true.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct. Executed on this the 31st day of May, 2018 in Los Angeles, California.

5
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7 

8 ADRIAN RISKIN
9 Petitioner and Plaintiff
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INDEX OF EXHIBITS

EXHIBIT A: True and accurate copies of Petitioner's and Respondent's communications regarding Petitioner's February 15, 2017 CPRA request

EXHIBIT B: True and accurate copies of Petitioner's communications regarding Petitioner's February 24, 2017 CPRA request

EXHIBIT C: True and accurate copies of Petitioner's communications regarding Petitioner's April 13, 2017 CPRA request

EXHIBIT A

CPRA request (MBID.2017.02.15.a)

From: adrian@mailingaddress.org
To: duckworth.donald@gmail.com
Subject: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 8:47 AM
Size: 1 KB

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

I would also like to see copies of all agendas and minutes from the MBID Board and committee meetings for as far back as you maintain electronic copies and reports of all transactions by vendor from January 1, 2013 through the present.

Thanks in advance for your help and cooperation, and I look forward to hearing from you.

Adrian Riskin

Re: CPRA request (MBID.2017.02.15.a)

From: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:duckworth.donald@gmail.com)
To: [Adrian Riskin <adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 9:50 AM
X-Delivered-To: adrian@mailingaddress.org
Size: 8 KB

We are making progress. We'll have this for you soon. Thank you for your patience.

On Wed, Feb 15, 2017 at 8:47 AM, [<adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org) wrote:

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

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From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 9:51 AM
Size: 2 KB

OK, thanks for your help. Did you see that this one is for the Melrose BID, for which I assume you're also the contact person?

A.

On Wed, Feb 15, 2017, at 09:50 AM, Donald Duckworth wrote:

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To: [Adrian Riskin <adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 9:58 AM
X-Delivered-To: adrian@mailingaddress.org
Size: 9 KB

I did not. I mis-spoke re Melrose. We are at "square 1" on that request. I need to report to the Board. The next Board meeting is March 10. Sorry for the misunderstanding.

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> > Thanks in advance for your help and cooperation, and I look forward to
> > hearing from you.

> >
> > Adrian Riskin
> >

Re: CPRA request (MBID.2017.02.15.a)

From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 9:59 AM
Size: 3 KB

No problem, I just wanted to make sure we were on the same page.

Adrian

On Wed, Feb 15, 2017, at 09:58 AM, Donald Duckworth wrote:

I did not. I mis-spoke re Melrose. We are at "square 1" on that request.
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Sorry
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To: [Adrian Riskin <adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Wednesday, February 15, 2017 10:05 AM
X-Delivered-To: adrian@mailingaddress.org
Size: 11 KB

Thank you. Good catch. We were not. We'll respond as soon as possible.

On Wed, Feb 15, 2017 at 9:59 AM, [<adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org) wrote:

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From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Monday, February 27, 2017 11:59 AM
Size: 3 KB

Hello Mr. Duckworth.

I wonder if there's news on this one?

Thanks,

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From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Sunday, March 12, 2017 4:57 PM
Size: 4 KB

Hi Mr. Duckworth,

Even if for whatever reason you're not able to send me the communications, email and otherwise, promptly, can you at least send me the minutes and agendas? The only allowable reason for delay in CPRA is for reviewing and redacting, and since there's no question of that for minutes and agendas, I'm hoping you can send them quickly. I need them quite urgently.

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From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Monday, March 27, 2017 2:23 PM
Size: 5 KB

Dear Mr. Duckworth,

Can you please respond to this request as required by law? Your initial response is more than two weeks overdue.

thanks,

Adrian

On Sun, Mar 12, 2017, at 04:57 PM, adrian@mailingaddress.org wrote:

Hi Mr. Duckworth,

Even if for whatever reason you're not able to send me the communications, email and otherwise, promptly, can you at least send me the minutes and agendas? The only allowable reason for delay in CPRA is for reviewing and redacting, and since there's no question of that for minutes and agendas, I'm hoping you can send them quickly. I need them quite urgently.

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From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@gmail.com)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Monday, April 10, 2017 6:23 AM
Size: 5 KB

Good morning, Mr. Duckworth.

Is there any news on this request?

Thanks,

Adrian

On Mon, Mar 27, 2017, at 02:23 PM, adrian@mailingaddress.org wrote:

Dear Mr. Duckworth,

Can you please respond to this request as required by law? Your initial response is more than two weeks overdue.

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To: [Adrian Riskin <adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Monday, April 10, 2017 3:08 PM
X-Delivered-To: adrian@mailingaddress.org
Size: 9 KB

Per your request of February 15, 2017 (below) and the BID Board's approval, the Melrose BID intends to produce responsive records. Our IT person is in the process of identifying emails responsive to your request and hope to have those to you by the end of April. If any are subject to exemptions we will let you know that. Please note that the Melrose BID does not have any committees. There are two (2) contract staff, myself and Kim Sudhalter who performs Marketing & Promotions services.

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To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@duckworth.donald@gmail.com)
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Monday, April 10, 2017 3:57 PM
Size: 3 KB

Dear Mr. Duckworth,

thanks for finally responding. Can you please send me minutes and agendas by return email? I need them urgently and clearly there's no question of their being exempt.

Thanks,

Adrian

On Mon, Apr 10, 2017, at 03:08 PM, Donald Duckworth wrote:

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From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Saturday, May 06, 2017 11:10 AM
Size: 3 KB

Good morning, Mr. Duckworth.

Is there any news on this request?

Thanks,

Adrian

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Adrian

On Mon, Apr 10, 2017, at 03:08 PM, Donald Duckworth wrote:

Per your request of February 15, 2017 (below) and the BID Board's approval, the Melrose BID intends to produce responsive records. Our IT person is in the process of identifying emails responsive to your request and hope to have those to you by the end of April. If any are subject to exemptions we will let you know that. Please note that the Melrose BID does not have any committees. There are two (2) contract staff, myself and Kim Sudhalter who performs Marketing & Promotions services.

On Wed, Feb 15, 2017 at 8:47 AM, <adrian@mailingaddress.org> wrote:

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

Re: CPRA request (MBID.2017.02.15.a)

From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Tuesday, May 16, 2017 6:47 AM
Size: 2 KB

Good morning, Mr. Duckworth,

Can you let me know the status of this request?

Thanks,

Adrian

On Mon, Apr 10, 2017, at 03:08 PM, Donald Duckworth wrote:

Per your request of February 15, 2017 (below) and the BID Board's approval, the Melrose BID intends to produce responsive records. Our IT person is in the process of identifying emails responsive to your request and hope to have those to you by the end of April. If any are subject to exemptions we will let you know that. Please note that the Melrose BID does not have any committees. There are two (2) contract staff, myself and Kim Sudhalter who performs Marketing & Promotions services.

On Wed, Feb 15, 2017 at 8:47 AM, <adrian@mailingaddress.org> wrote:

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

I would also like to see copies of all agendas and minutes from the MBID Board and committee meetings for as far back as you maintain electronic copies and reports of all transactions by vendor from January 1, 2013 through the present.

Thanks in advance for your help and cooperation, and I look forward to hearing from you.

Adrian Riskin

Re: CPRA request (MBID.2017.02.15.a)

From: adrian@mailingaddress.org
To: duckworth.donald@gmail.com
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Sunday, June 18, 2017 9:13 AM
Size: 2 KB

Hi Mr. Duckworth,

Thanks for sending the emails. Is it possible that you'll be able to send the agendas and minutes and transactions by vendor pretty soon? Four months really is an unreasonable length of time to delay production of this material.

Thanks again,

Adrian

On Wed, Feb 15, 2017, at 09:47 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

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Thanks in advance for your help and cooperation, and I look forward to hearing from you.

Adrian Riskin

Re: CPRA request (MBID.2017.02.15.a)

From: adrian@mailingaddress.org
To: duckworth.donald@gmail.com
Subject: Re: CPRA request (MBID.2017.02.15.a)
Date: Friday, September 29, 2017 6:29 AM
Size: 2 KB

Good morning, Mr. Duckworth.

Can you please send me the agendas and minutes as soon as possible? I requested these more than seven months ago. There's no plausible theory under which they're exempt, so you're legally required to supply them promptly, which you have not done.

Thanks,

Adrian

On Sun, Jun 18, 2017, at 09:13 AM, adrian@mailingaddress.org wrote:

Hi Mr. Duckworth,

Thanks for sending the emails. Is it possible that you'll be able to send the agendas and minutes and transactions by vendor pretty soon? Four months really is an unreasonable length of time to delay production of this material.

Thanks again,

Adrian

On Wed, Feb 15, 2017, at 09:47 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

I'd like to take a look at all communications, email or otherwise, between anyone at the Melrose BID, including staff and Board members, and anyone at the City of Los Angeles during 2016. Also I would like to see both emails and their attachments in their native electronic formats. This can be easily accomplished by exporting the emails as .eml, .msg, or .mbox files, which will automatically preserve attachments. If that's not feasible for you, OCR PDFs of the emails will do, but I will still need to see the attachments in their native formats.

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Thanks in advance for your help and cooperation, and I look forward to hearing from you.

Adrian Riskin

CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)

From: adrian@internet-mail.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)
Date: Wednesday, March 21, 2018 12:55 PM
Size: 986 B

Good afternoon, Mr. Duckworth.

I sent three CPRA requests to the Melrose BID via you in 2017 on February 15, February 24, and April 13. You partially fulfilled the first one in June 2017, but you have failed to provide me with the rest of the material I requested there despite your promise to do so by the end of April 2017. You have completely failed to respond to the other two requests. Please let me know the status of these three outstanding requests as soon as possible.

Thanks,

Adrian Riskin

EXHIBIT B

CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@duckworth.donald@gmail.com)
Subject: CPRA request (MBID.2017.02.24.a)
Date: Friday, February 24, 2017 10:19 AM
Size: 1 KB

Good morning, Mr. Duckworth.

I'd like to see all emails between anyone at the MBID and any of:

- a. Tara Devine
- b. Ed Henning
- c. Susan Levi
- d. Anyone at Urban Place Consulting.

For Tara Devine it's sufficient to search devine-strategies.com, for Urban Place it's sufficient to search on urbanplaceconsulting.com, for Levi labids.org will do. I'm not sure about Henning. Either by last name, or if you know his email address that should suffice.

I need to see these in their native format along with attachments in their native formats. If you can export the emails in eml, msg, pst, or mbox that would be ideal and would preserve attachments. Otherwise some kind of OCR PDFs are acceptable, but to save time, if you're proposing to send PDFs, can you send me a sample of one with an attachment first?

I'd like to see these from January 1, 2015 through January 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@gmail.com)
Subject: Re: CPRA request (MBID.2017.02.24.a)
Date: Sunday, March 12, 2017 4:58 PM
Size: 2 KB

Good afternoon, Mr. Duckworth.

Is there any news on this one?

thanks,

Adrian

On Fri, Feb 24, 2017, at 11:19 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

I'd like to see all emails between anyone at the MBID and any of:

- a. Tara Devine
- b. Ed Henning
- c. Susan Levi
- d. Anyone at Urban Place Consulting.

For Tara Devine it's sufficient to search devine-strategies.com, for Urban Place it's sufficient to search on urbanplaceconsulting.com, for Levi labids.org will do. I'm not sure about Henning. Either by last name, or if you know his email address that should suffice.

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Thanks,

Adrian

Re: CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@duckworth.donald@gmail.com)
Subject: Re: CPRA request (MBID.2017.02.24.a)
Date: Monday, March 27, 2017 2:24 PM
Size: 2 KB

Dear Mr. Duckworth,

Can you tell me the status of this request? You have not yet made an initial response to it.

Thanks,

Adrian

On Sun, Mar 12, 2017, at 04:58 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

Is there any news on this one?

thanks,

Adrian

On Fri, Feb 24, 2017, at 11:19 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

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I'd like to see these from January 1, 2015 through January 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.24.a)
Date: Monday, April 10, 2017 6:24 AM
Size: 2 KB

Good morning, Mr. Duckworth,

Can you please let me know what's going on with this request?

Thanks,

Adrian

On Mon, Mar 27, 2017, at 02:24 PM, adrian@mailingaddress.org wrote:

Dear Mr. Duckworth,

Can you tell me the status of this request? You have not yet made an initial response to it.

Thanks,

Adrian

On Sun, Mar 12, 2017, at 04:58 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

Is there any news on this one?

thanks,

Adrian

On Fri, Feb 24, 2017, at 11:19 AM, adrian@mailingaddress.org wrote:

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For Tara Devine it's sufficient to search devine-strategies.com, for Urban Place it's sufficient to search on urbanplaceconsulting.com, for Levi labids.org will do. I'm not sure about Henning. Either by last name, or if you know his email address that should suffice.

I need to see these in their native format along with attachments in their native formats. If you can export the emails in eml, msg, pst, or mbox that would be ideal and would preserve attachments. Otherwise some kind of OCR PDFs are acceptable, but to save time, if you're proposing to send PDFs, can you send me a sample of one with an attachment first?

I'd like to see these from January 1, 2015 through January 31, 2017.

Re: CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@gmail.com)
Subject: Re: CPRA request (MBID.2017.02.24.a)
Date: Saturday, May 06, 2017 11:11 AM
Size: 3 KB

Good morning, Mr. Duckworth.

This request is now more than 10 weeks old and you have not yet made even an initial determination. You are required to respond with a determination within 10 days of receiving the request. Please let me know what's going on with this.

Thanks,

Adrian

On Mon, Apr 10, 2017, at 06:24 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth,

Can you please let me know what's going on with this request?

Thanks,

Adrian

On Mon, Mar 27, 2017, at 02:24 PM, adrian@mailingaddress.org wrote:

Dear Mr. Duckworth,

Can you tell me the status of this request? You have not yet made an initial response to it.

Thanks,

Adrian

On Sun, Mar 12, 2017, at 04:58 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

Is there any news on this one?

thanks,

Adrian

On Fri, Feb 24, 2017, at 11:19 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

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- c. Susan Levi
- d. Anyone at Urban Place Consulting.

For Tara Devine it's sufficient to search devine-strategies.com, for

Re: CPRA request (MBID.2017.02.24.a)

From: adrian@mailingaddress.org
To: Donald Duckworth <duckworth.donald@gmail.com>
Subject: Re: CPRA request (MBID.2017.02.24.a)
Date: Sunday, June 18, 2017 9:14 AM
Size: 2 KB

Good morning Mr. Duckworth,

I'm just wondering what's up with this one.

If it'd be easier than sending CDs, you could upload stuff to here:

<https://www.dropbox.com/request/GM0U4cW7Yqgk8kWrV67d>

Thanks,

Adrian

On Fri, Feb 24, 2017, at 11:19 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

I'd like to see all emails between anyone at the MBID and any of:

- a. Tara Devine
- b. Ed Henning
- c. Susan Levi
- d. Anyone at Urban Place Consulting.

For Tara Devine it's sufficient to search devine-strategies.com, for Urban Place it's sufficient to search on urbanplaceconsulting.com, for Levi labids.org will do. I'm not sure about Henning. Either by last name, or if you know his email address that should suffice.

I need to see these in their native format along with attachments in their native formats. If you can export the emails in eml, msg, pst, or mbox that would be ideal and would preserve attachments. Otherwise some kind of OCR PDFs are acceptable, but to save time, if you're proposing to send PDFs, can you send me a sample of one with an attachment first?

I'd like to see these from January 1, 2015 through January 31, 2017.

Thanks,

Adrian

CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)

From: adrian@internet-mail.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)
Date: Wednesday, March 21, 2018 12:55 PM
Size: 986 B

Good afternoon, Mr. Duckworth.

I sent three CPRA requests to the Melrose BID via you in 2017 on February 15, February 24, and April 13. You partially fulfilled the first one in June 2017, but you have failed to provide me with the rest of the material I requested there despite your promise to do so by the end of April 2017. You have completely failed to respond to the other two requests. Please let me know the status of these three outstanding requests as soon as possible.

Thanks,

Adrian Riskin

EXHIBIT C

CPRA request (MBID.2017.04.13.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: CPRA request (MBID.2017.04.13.a)
Date: Thursday, April 13, 2017 4:54 PM
Size: 612 B

Good afternoon, Mr. Duckworth.

I'd like to see your appointment calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.04.13.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: Re: CPRA request (MBID.2017.04.13.a)
Date: Tuesday, April 25, 2017 9:41 AM
Size: 972 B

Good morning, Mr. Duckworth.

I'm just wondering about the status of this request.

Thanks,

Adrian

On Thu, Apr 13, 2017, at 04:54 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

I'd like to see your appointment calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.04.13.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth@gmail.com)
Subject: Re: CPRA request (MBID.2017.04.13.a)
Date: Saturday, May 06, 2017 11:12 AM
Size: 1 KB

Dear Mr. Duckworth,

A response to this request was due circa April 23. Can you please respond, preferably by just emailing me the documents?

Thanks,

Adrian

On Tue, Apr 25, 2017, at 09:41 AM, adrian@mailingaddress.org wrote:

Good morning, Mr. Duckworth.

I'm just wondering about the status of this request.

Thanks,

Adrian

On Thu, Apr 13, 2017, at 04:54 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

I'd like to see your appointment calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.04.13.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: Re: CPRA request (MBID.2017.04.13.a)
Date: Sunday, June 18, 2017 9:15 AM
Size: 954 B

Hi Mr. Duckworth,

Can you let me know what's up with this one?

Thanks,

Adrian

On Thu, Apr 13, 2017, at 04:54 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

I'd like to see your appointment calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017.

Thanks,

Adrian

Re: CPRA request (MBID.2017.04.13.a)

From: adrian@mailingaddress.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:duckworth.donald@gmail.com)
Subject: Re: CPRA request (MBID.2017.04.13.a)
Date: Friday, September 29, 2017 6:30 AM
Size: 1 KB

Dear Mr. Duckworth,

This request is more than five months old and you have not even responded. Please tell me the status of this request.

Thanks,

Adrian

On Sun, Jun 18, 2017, at 09:15 AM, adrian@mailingaddress.org wrote:

Hi Mr. Duckworth,

Can you let me know what's up with this one?

Thanks,

Adrian

On Thu, Apr 13, 2017, at 04:54 PM, adrian@mailingaddress.org wrote:

Good afternoon, Mr. Duckworth.

I'd like to see your appointment calendar as it relates to the Melrose BID from January 1, 2016 through March 31, 2017.

Thanks,

Adrian

CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)

From: adrian@internet-mail.org
To: [Donald Duckworth <duckworth.donald@gmail.com>](mailto:Donald.Duckworth<duckworth.donald@gmail.com>)
Subject: CPRA requests (MBID.2017.02.15.a MBID.2017.02.24.a MBID.2017.04.13.a)
Date: Wednesday, March 21, 2018 12:55 PM
Size: 986 B

Good afternoon, Mr. Duckworth.

I sent three CPRA requests to the Melrose BID via you in 2017 on February 15, February 24, and April 13. You partially fulfilled the first one in June 2017, but you have failed to provide me with the rest of the material I requested there despite your promise to do so by the end of April 2017. You have completely failed to respond to the other two requests. Please let me know the status of these three outstanding requests as soon as possible.

Thanks,

Adrian Riskin